

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

PENNYMAC LOAN SERVICES, LLC,

Plaintiff,

CIVIL ACTION
**Case No: 2:19-cv-00193-TBM-
MTP**

-VS-

INNOVATED HOLDINGS, INC. dba
SITCOMM ARBITRATION
ASSOCIATION; MARK MOFFETT;
SANDRA GOULETTE; RONNIE
KAHAPEA; MARK JOHNSON, KIRK
GIBBS; BRETT “EEON” JONES aka
EEON aka BRETT JONES aka BRETT
TORIANO JONES-THEOPHILIOUS aka
BRETT RANDOFF TORIANO KEEFFE
HENRY KANA-SHAPHEL
HITHRAPPEES JONES-THEOPHILUS fka
KEEFE BRANCH; and RANCE MAGEE,

**PLAINTIFF PENNYMAC
LOAN SERVICES, LLC’S
MOTION TO STRIKE EEON’S
PLEADINGS**

Defendants.

**PENNYMAC LOAN SERVICES, LLC’S MOTION TO STRIKE EEON’S
PLEADINGS**

COMES NOW, the Plaintiff, PennyMac Loan Services, LLC (“PennyMac” or “Plaintiff”), by and through counsel, and files this Motion to Strike pursuant to F.R.C.P. 12(f) showing unto the Court the following:

1. On August 10, 2020, PennyMac filed its First Amended Complaint (“FAC”), naming Brett “Eeon” Jones (“Eeon”) as a defendant in this matter. D.E. 83.

2. On October 9, 2020, the Clerk of the U.S. District Court for the Southern District of Mississippi filed the Clerk’s Entry of Default against Eeon. D.E. 92.

3. Thereafter, on January 4, 2021, defendant Brett “Eeon” Jones (“Eeon”) filed three (3) pleadings that are the subject of this Motion to Strike: (1) his “Address Change Update Change of Venue Demand” (“Motion for Change of Venue”) (D.E. 144, 01/04/2021); (2) a duplicate “Address Change Update Change of Venue Demand” (D.E. 145, 01/04/2021); and (3) his “Clarification and Documentation of the Record” (“Clarification”) (D.E. 146, 01/04/2021).

4. PennyMac moves the Court to strike these three (3) pleadings. The Court properly entered a default against Eeon. Upon a proper showing that a party has failed to plead or otherwise defend a case brought against her, the Clerk of the Court is required to enter a default. F.R.C.P. 55(a). The Clerk’s Entry of Default of October 9, 2020 against Eeon prevents him from entering any appearance or defense in the case without further Court order. Robbins v. Walker, 2008 WL 341658, at *1 (S.D. Miss. Feb. 5, 2008). After the default was entered by the Clerk, Eeon was prohibited from filing his Motion for Change of Venue or Clarification, or appearing

in the case in any manner, until he obtained leave of Court or obtained relief from the Clerk's Entry of Default. Lamarr v. Chase Home Finance, LLC, 2008 WL 4057208, at *1 (N.D. Miss. Aug. 26, 2008).

5. Because Eeon failed to file a timely response to the FAC, or to obtain permission to file his untimely pleadings or obtain relief from the Clerk's Entry of Default, PennyMac's Motion to Strike should be granted. Lamarr v. Chase Home Finance, LLC, 2008 WL 4057208, at *2.

6. For the reasons set forth above, and as set forth in the Memorandum in Support of PennyMac's Motion to Strike, PennyMac submits that its Motion is well-taken and should be granted.

WHEREFORE, PREMISES CONSIDERED, Plaintiff PennyMac Loan Services, LLC respectfully requests this Court to enter an Order granting its Motion to Strike, and for such other relief as the Court deems appropriate.

Dated: January 25, 2021

Respectfully submitted,

/s/ Jessica A. McElroy

Cheryl S. Chang (admitted *pro hac vice*)

chang@blankrome.com

Nicole Bartz Metral (admitted *pro hac vice*)

nbmetral@blankrome.com

Jessica A. McElroy (admitted *pro hac vice*)

jmcelroy@blankrome.com

BLANK ROME LLP

2029 Century Park East, 6th Floor
Los Angeles, California 90067-2907
Telephone: 424.239.3400
Facsimile: 424.239.3434

Harris F. Powers III
hpowers@upshawwilliams.com
Steven C. Cookston
scookston@upshawwilliams.com

Upshaw, Williams, Biggers & Beckham,
LLP
309 Fulton Street
Post Office Drawer 8230
Greenwood, MS 38935-8230
Telephone: 662.455.1613
Facsimile: 662.453.9245

Counsel for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **BLANK ROME LLP**, 2029 Century Park East, 6th Floor, Los Angeles, California 90067.

On **January 15, 2021**, I served the foregoing document(s): **PLAINTIFF PENNYMAC LOAN SERVICES, LLC'S MOTION TO STRIKE EEON'S PLEADINGS**, on the interested parties in this action addressed and sent as follows:

SEE ATTACHED SERVICE LIST

- ☒ **BY ENVELOPE:** by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as indicated and delivering such envelope(s):
- ☒ **BY CERTIFIED MAIL:** I caused such envelope(s) to be deposited in the mail at Los Angeles, California with postage thereon fully prepaid to the office or home of the addressee(s) as indicated. I am "readily familiar" with this firm's practice of collection and processing documents for mailing. It is deposited with the U.S. Postal Service on that same day, with postage fully prepaid, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION (EMAIL):** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) listed above to be transmitted to the person(s) at the e-mail address(es) as indicated. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was incomplete or unsuccessful.
- ☒ **BY FEDEX:** I caused such envelope(s) to be deposited in a box or other facility regularly maintained by FedEx, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents in an envelope designated by the said express service carrier, addressed as indicated, with delivery fees paid or provided for, to be transmitted by FedEx.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on **January 25, 2021**, at Los Angeles, California.



Hannah No

SERVICE LIST

Pennymac Loan Services, LLC v. Sitcomm Arbitration Association, et al.;

Case No. 2:19-cv-00193-KS-MTP

BY CERTIFIED MAIL:

Ronnie Kahapea P.O. Box 875 Volcano, HI 96785	Defendant
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BY FEDEX:

Mark Johnson 451 May Lane Louisa, VA 23093	Defendant
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Kirk Gibbs 4115 Lawrenceville Rd. PMB 8119 Lilburn, GA 30047	Defendant
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Sandra Goulette 3007 Crescent Hill Drive Laurel, MS 39440	Defendant
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Mark Moffett 345 Coon Jeffcoat Road Soso, MS 39480	Defendant
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Rance Magee 11294 Rose Road Emmett, MI 48022	Defendant
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Innovated Holdings, Inc. dba Sitcomm Arbitration Association C/O Registered Agents, Inc. 30 N. Gould Street, Suite R Sheridan, WY 82801	Defendant
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Brett "Eeon" Jones 304 South Jones Boulevard Unit Eeon-1967 Las Vegas, NV 89107	Defendant
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